IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Criminal Misc. Application No. 423 of 2001
(Old No. 2718 of 2000)

Manoj Adhikari
S/o Shiv Raj Singh Adhikari
R/o Takana Road
P.s. & District Pithoragarh ... Applicant

Vs.

State of U.P. ...Opp. Party

Hon'ble B.C. Kandpal, J.

This petition under Section 482 Cr.P.C. has been filed by the petitioner for quashing the F.I.R. in Case Crime No. 13 of 1998 dated 06.12.1998 as well as the chargesheet No. 46 of 1998 dated 22.04.1999 under Sections 406 and 420 I.P.C.

2. Heard Sri B.S. Adhikari, learned counsel for the petitioner and perused the record.

3. On the perusal of the record and the documents filed along with the petition as well as the counter affidavit filed by the State, I am of the view that there is no abuse of process of court in this matter. Prima-facie case is made out for proceeding against the petitioner under Sections 406 and 420 I.P.C.

4. The trial court has also taken the cognizance in the matter and the argument advanced by the learned counsel for the petitioner that the trial court has not assessed the evidence before passing the summoning order, is without any force, as the court while passing the summoning order is not supposed to assess the evidence meticulously at that stage.

5. Therefore, the petition lacks merit and is liable to be dismissed.

6. Accordingly, the petition filed under Section 482 Cr.P.C. is dismissed.

(B.C. Kandpal, J.)

10.07.2006
ASWAL